

MINUTES

CITY OF GAINESVILLE PLANNING AND ZONING COMMISSION MEETING

October 28, 1987

Members Present: Van Knight, Luann Shortnacy, Chris Kaden, Don Hawkins, Russell Duncan and Allen Fleitman.

Members Absent: Jim Purcell,

Staff Present: Pat Payne, Barry LeBaron, and Gilbert Villa, Building Inspector.

Visitors Present: List attached.

The meeting was called to order by Chairman Van Knight, Jr. at approximately 2:15 P.M.

The second item on the agenda was approval of the Minutes from the September 30, 1987 meeting. Luann Shortnacy made a motion to approve the Minutes as presented with Chris Kaden seconding the motion. Motion carried by the following votes: Ayes: Van Knight, Luann Shortnacy, Chris Kaden, Don Hawkins, Russell Duncan. Nays: None. Absences: Allen Fleitman and Jim Purcell.

The third item on the agenda was the discussion and consideration of a request from Central Baptist Church to rezone 1030 N. Morris Street from Single Family Three to Commercial. Mr. Knight asked for comments from anyone in favor of the request to speak at that time. Mr. Fincher, pastor of the Central Baptist Church, spoke first, stating that they were requesting the zone change in order to obtain a Special Use Permit in order to place a mobile home on the property to be used as classroom and office facilities in order to off-set the high costs of construction of new buildings for their church needs. He indicated that they presently have the 80 foot "trailer", which has already been given to them, but need to place it on their property in order to utilize it.

Mr. Knight asked if the Commission members had any questions to ask Mr. Fincher. Mr. Hawkins asked him how long he thought the church complex would need to use the mobile home. Mr. Fincher replied that their goal is to build a family life center, but at the present they do not have the income for such a project due to the slow economy. He further explained that the mobile home would be underpinned and landscaped and would be facing Grand Avenue. Mr.

Fincher explained also that the water, sewer and electricity are already in place for that spot. Mr. Fincher emphasized that no one would live in the structure.

Mr. Knight asked if there were further comments for or against the request. Mr. Hawkins expressed his concern with the fact that the church needs more space, but that the original intent of people placing mobile homes on commercial properties for temporary use has caused problems when the mobile homes remained on the property as permanent structures. Mr. Knight agreed with Mr. Hawkins, indicating that the Zoning Study on Grand Avenue, indicating possible commercial zoning block deep on North Grand Avenue, should discourage mobile homes anywhere in the area. He explained that if a Specific Use Permit were issued for this request following the rezoning, it would only open up a precedent for other people to buy property on North Grand Avenue for placement of mobile homes on it.

Mr. Fincher elaborated on the fact that there are two schools on Grand Avenue which have been allowed to place mobile homes on their property. Mr. Knight explained to him that that was due to a State controlled mandate and the City had no control over that procedure. Mr. Hawkins asked Mr. Fincher if he could live with a specific period of time, such as two or three years, for a Specific Use Permit following a zoning change. Mr. Fincher said that he wasn't sure they could due to the economy.

Mr. LeBaron then expressed a concern that a total of four churches have indicated a desire to place mobile or modular homes on their property, with Central Baptist being the first to make an official request. He also said that if the request was granted for Central Baptist, the others would follow. Mr. LeBaron explained also said that if the property is zoned Commercial, it will have no set-back requirements.

Mr. Fincher said that the mobile home would probably set back some 125 feet off of Grand Avenue, with a parking lot between Grand and the structure. Mr. Duncan then expressed his thought as not having any problem with changing the zoning, due to the North Grand Avenue Study and previous planning but he does have a problem with the Specific Use Permit for a mobile home. Mr. Fleitman said he looks at the structure as only being a temporary structure, not a mobile home. Mr. Knight told Mr. Fincher that he has no doubt that their structure would be a nice structure, but the fact that the Planning and Zoning Commission has struggled with mobile homes all over town has caused them to be very cautious and also to consider the precedent that would be started.

Again, Mr. Fleitman explained that he has no problem with the temporary time limit of a Specific Use Permit for the

mobile home on the church property, but how long is "temporary". Mr. Kaden said that realistically what is a reasonable time limit after money is put into moving and setting up the mobile home. Mr. Fleitman further elaborated that a mobile home in that area is going strictly against anything they had tried to accomplish with the study of North Grand Avenue. Mr. Knight said that if this Specific Use Permit is granted for a temporary time and later moved off, there will be other persons wanting the same privilege of obtaining a Specific Use Permit for a mobile home because someone else did it, hence, setting the precedent.

After no further discussion on the matter, Mr. Knight asked for a motion on rezoning the property. Don Hawkins made a motion with a second by Allen Fleitman to **recommend approval** to the City Council to rezone the property from SF-3 to Commercial. Motion carried by the following votes: Ayes: Russell Duncan, Luann Shortnacy, Chris Kaden, Allen Fleitman, and Don Hawkins. Nays: Van Knight. Absences: Jim Purcell.

Mr. Knight then asked for a motion on granting the Specific Use Permit to place a mobile home for classroom and office space on the rezoned property of the Central Baptist Church. A motion was made by Don Hawkins to grant the request for a mobile home to be used as offices and classrooms with a two year Specific-Use time limit. Allen Fleitman seconded the motion. **Motion failed** by the following votes: Ayes: Allen Fleitman and Don Hawkins. Nays: Russell Duncan, Luann Shortnacy and Van Knight. Abstaining: Chris Kaden. Absent: Jim Purcell.

The **fourth item listed on the agenda** was consideration of and action on a request from Mr. Brad Kane for a Specific Use Permit to place a mobile home on property located at 2216 Refinery Road to be used for security purposes.

Mr. Knight asked Mr. Kane if he would care to elaborate on the purpose of his requesting the Specific Use Permit for the mobile home. Mr. Kane stated that the previous owners had a considerable amount of vandalism in the area of the meat packing plant of which Mr. Kane is an owner. He indicated that it is impractical to lock their business due to the irregular hours of his business with cattle being shipped in at odd hours of the day and night and also the employees cannot be locked out. Therefore, someone could be on the premises at all times with a family living in the mobile home behind the business. Mr. Kane said they will use the mobile home that is presently in place and located behind the business, not moving another one onto the premises.

Mr. Knight confirmed the Light Industrial zoning. After discussion among the Commission members of the location of

the mobile home on the property with industrial development all around, and with no further comments from anyone else, Mr. Knight asked for a motion on the request for a Specific Use Permit for the mobile home.

A motion was made by Russell Duncan and seconded by Luann Shortnacy to **recommend approval** to the City Council for the Specific Use Permit for a two-year period to place a mobile home on the property at 2216 Refinery Road as a residence for security purposes. Motion carried by the following votes: Ayes: Russell Duncan, Luann Shortnacy, Chris Kaden, Van Knight, Allen Fleitman and Don Hawkins. Nays: None. Absent: Jim Purcell.

The **fifth item on the agenda** was the consideration and action on a request to plat a tract of land South of the City of Gainesville within the Extraterritorial Jurisdiction of the City to be known as the Hickman Estates Addition. Mr. Knight asked for comments pertaining to the request. Mr. Jim Neale, the developer, spoke stating that he and his colleagues were requesting the authorization to put in the subdivision which will be serviced by private water wells and septic systems, with the stipulation that when and if the City does annex the property, the water system will be turned over to the City with no charges, therefore the City can furnish water without having to buy out the existing water service.

Mr. Knight asked Mr. LeBaron if he would like to express his opinion on the request. He presented what options would be available to the Planning and Zoning Commission: (1) After being presented with a Preliminary Plat and a Final Plat, the Commission could consider the Preliminary Plat and make a recommendation to the City Council, which would not require a 15-day notice. (2) Another option was to disregard the Preliminary Plat if the Commission decided they have no interest in the subdivision and go ahead and recommend approval on both the Preliminary and Final Plats. (3) If any of the Commission members felt they had any other City growth interests in the subdivision, such as standards for road construction and water and sewer, being outside the City limits, they could make sure the improvements are put into place to be consistent with the City standards. In order to do that, however, the Commission may want to only approve the Preliminary Plat subject to any conditions set forth by the Planning and Zoning Commission. Once the developer has met those standards, they could come back with the Final Plat for approval. (4) Another option was to approve the Preliminary Plat and have the developers to put up a bond, or Letter of Credit, in the amount equal to what the Commission felt the improvements are, and then make that a part of the Final Plat approval.

Mr. LeBaron explained that since the proposed subdivision is outside the City limits, the County Commissioners will be involved in the due process, with dual approval being the mode of approval. Mr. Neale explained they have previously met with Commissioner Alexander and gotten his and the other Commissioners' approval on the Preliminary Plat.

Martha Davis asked why City water couldn't be piped to the proposed subdivision since the water extends South on the Old Denton Road not far from the area. Mr. Neale explained that it is some 2000 feet to the City water lines and more feasible to use their own well and the line is also too small to service a small subdivision.

Mr. Neale went on to explain the large size of most of the lots of the proposed subdivision, stating that much of the property is located in the flood zone, with the backs of the West lots being in the flood zone and the site for the residence being higher and to the front of the lots. Mr. Neale also explained that the County will take the maintenance on the gravel roads through the site.

Mr. Kaden asked about the drainage aspect of the proposed plat. Mr. Neale said that gentle slopes will be utilized for drainage along the roadway and into the cul-de-sac in the center area of the proposed development. From there the water will drain in a natural way through the back of the larger lot into the creek via a fifteen-foot drainage easement. The cul-de-sac will have a sixty foot radius. Mr. Neale stated that the lines for the existing water well and a proposed water well will be six inches in diameter, which will be suitable for fire plugs. Mr. Hawkins asked Mr. Neale how long the street from the cul-de-sac is and Mr. Neale replied that it is approximately 950 to 1000 feet, indicating that another fire plug would need to be installed half way down the street toward the cul-de-sac.

Mr. LeBaron told the Planning and Zoning members that if the proposed subdivision were eventually annexed, the City would have the same responsibility to provide them with the same services as other citizens that are within the City limits, which means that the City could have a responsibility to extend a six inch water line into that area and put in fire plugs, if they are not already there. Mr. Duncan suggested that the six inch water line and fire plugs be added as a stipulation to the proposed Preliminary Plat. Mr. Hawkins asked Mr. Neale if once the Plat is approved, will it remain as is throughout the duration of the sale of the lots. Mr. Neale indicated that it would. Mr. LeBaron said that the developer would have to ask for a re-plat of the property and meet all City requirements if any of the lots were ever to be subdivided. Mr. Knight asked if there were any other additions or further discussion on the proposed subdivision.

A motion was made by Don Hawkins to **recommend approval** to the City Council on the the Preliminary Plat of the proposed Hickman Estates development with an addendum that the water well be turned over to the City, if and when the area is annexed, at no cost to the City; also a drainage easement be included in the Final Plat. A second was made by Allen Fleitman. Motion carried by the following votes: Ayes: Russell Duncan, Luann Shortnacy, Chris Kaden, Van Knight, Allen Fleitman and Don Hawkins. Nages: None. Absent: Jim Purcell.

The next item of business on the agenda was the discussion of a Short Course to be held November 17, 1987, at the Double Tree Inn in Dallas for Planning and Zoning Officials. Members were asked to give confirmation by Tuesday, November 10, 1987, if attending.

Mr. Knight told the Planning and Zoning Commission members that he and Mr. LeBaron have neared completion of the new Subdivision Regulations which will be submitted for approval soon.

Mr. LeBaron gave the Planning and Zoning Commission members a copy of the Zoning Atlas, which has recently been completed and printed.

Mr. Knight then recognized Mr. Mulrean who inquired as to requirements of securing a Specific Use Permit or rezoning for a client of his to put in a sandwich shop in an existing building located in the 300 Block of Lindsay Street. Traffic congestion was a major consideration. Mr. Mulrean said he would consider the matter further.

Mr. Knight then recognized Mrs. Brenda Mobley who had further questions regarding the extension of a water line to her property outside the City limits on North Interstate 35. She indicated she had "walked off" the measurement of her property front and had gotten a tape measurement of approximately 197 feet from corner to corner. She wanted to know her share of the cost for putting in the line and also for the water meter.

This is the line which has been in joint venture with the State and the City running to the new Tourist Bureau site. Mr. LeBaron indicated that he believed that the agreement was that the City wanted to have the right to allow other connections on that line and let the decision process be made through the Planning and Zoning process, not to let the Highway Department forever hold that line. Therefore, that is the reason the main meter was placed at the far end of the line. Mr. LeBaron explained to Mrs. Mobley that the reason for no fire plugs past F.M. 1201 is that that area is outside the City limits, her property being included. He told her the Tourist Bureau put in their own fire plug. The

water line from F.M. 1201 to the Tourist Bureau was put in solely by the State.

Mrs. Mobley again restated her request as being desirous of tapping on to the existing water line and to share in the expenses of a fire plug for her immediate area.

After no further business the meeting was adjourned by Mr. Knight at approximately 3:41 p.m.